



PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q56369

Hiroshi OMURA

Appln. No.: 09/425,617

Group Art Unit: 2612

Confirmation No.: 9804

Examiner: Lin YE

Filed: October 22, 1999

For: PORTABLE PRINTER AND CAMERA

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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AUG 30 2004

Technology Center 2600

Sir:

In response to the Office Action dated May 21, 2004¹, reconsideration and allowance of the subject application are respectfully requested. Claims 1-4 and 7-11 are pending in the application. Applicant respectfully submits that the pending claims define patentable subject matter.

Claims 1-3, 5, 6 and 11-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Silverbrook (U.S. Patent No. 6,476,863) in view of newly cited Cullen et al. (U.S. Patent No. 5,781,665; hereafter "Cullen") and newly cited Oka et al. (U.S. Patent No. 5,867,738). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Silverbrook in view of Cullen, Oka and McIntyre (U.S. Patent No. 6,191,815). Claims 7-9 are rejected under 35 U.S.C. § 103(a) as

¹ Since the due date of August 21, 2004 fell on a Saturday, this Response is being **timely** filed on the next business day of Monday, August 23, 2004.

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being unpatentable over Silverbrook in view of Cullen, Oka and Douglas (U.S. Patent No. 5,946,031). Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Silverbrook in view of Cullen, Oka and Suzuki (U.S. Patent No. 5,847,836). Applicant respectfully traverses the prior art rejections.

In the Amendment filed February 23, 2004, Applicant argued that the claims should be allowable over the combination of Silverbrook and Cullen because the cited references do not teach or suggest “a selection device for selecting a type of the identification photograph to make from among predetermined options, wherein the size and position of the human subject and a picture frame size are automatically designated by the selected type of identification photograph, and the size and position of the human subject and the picture frame size are stored in an internal memory”, as recited in amended independent claim 1. In response, the Examiner now cites Oka for allegedly disclosing these features and asserts that:

[t]he Oka reference is evidence th[at] one of ordinary skill ... [would] see more advantage for the printer system [to] have more flexible option to let [a] user to select any type of identification photograph and the size and position of the human subject and a picture frame size are automatically designated by the desired type of identification photograph. For that reason, it would have been obvious to [modify] the portable, handheld printer system [to include] a selection for selecting a type of the identification photograph to make from among predetermined options, wherein the size and the position of the human subject and a picture frame size are automatically designated by the selected type of identification photograph disclosed by Silverbrook.

Applicant respectfully submits that the claimed invention would not have been rendered obvious in view of Silverbrook, Cullen and Oka because the cited references, alone or in

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combination, do not disclose that the position of the human subject is automatically designated by the selected type of identification photograph and stored in an internal memory, as required by claim 1. In particular, Oka, which the Examiner relies for allegedly disclosing these claimed features, simply discloses processing the image data to produce a desired picture size (i.e., resizing the image data to passport size or visa size). That is, in Oka, the position of the human subject is controlled by the orientation of the camera and the seated position of the human subject within the photo booth.

As shown in Fig. 33, Oka discloses an automatic photographic processor apparatus 401 including a booth 402 divided by a partition 403 into two spaces, a machine room 404 and a shooting room 405. The shooting room 405 a stool 412, a back rest 433, and button-switch controls (not shown) so that a person 411 (who wants identification photos) faces directly a video camera 413 disposed in the machine room behind a window 407 of the partition 403 when seated on the stool 412. The video camera 413 takes an image of the person 411 seated on the stool 412 through a half mirror (not shown) and resultant captured image is displayed in real time on a visual display terminal (VDT) 414. If the displayed image is accepted by the person, it is transferred as the image data to a CPU 421 of a microcomputer 415 processes the image data to produce a specified size (e.g, passport or visa) for printing.

Further, neither Silverbrook nor Cullen discloses that the position of the human subject is automatically designated by the selected type of identification photograph and stored in an internal memory. That is, Silverbrook discloses a camera including a removable card which functions as a user interface for manipulating and enhancing images captured by the camera without

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providing any details directed to passport photography or designating a position of a human subject. Cullen simply discloses an apparatus and method for cropping an image to remove portions of the image which contain relatively little detail (i.e., cropping an image of a person's face to remove the background).

Accordingly, Applicant respectfully submits that independent claim 1, as well as dependent claims 2-4 and 7-11 should be allowable over Silverbrook, Cullen and Oka because the combined references do not teach or suggest all of features of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

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